

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
- v. -	:	S6 20 Cr. 160 (MKV)
	:	
ERICA GARCIA,	:	
MARCOS ZULUETA,	:	
MICHAEL TANNUZZO,	:	
SETH FISHMAN,	:	
LISA GIANNELLI,	:	
JORDAN FISHMAN,	:	
RICK DANE, JR.,	:	
CHRISTOPHER OAKES,	:	
JASON SERVIS,	:	
ALEXANDER CHAN, and	:	
REBECCA LINKE,	:	
	:	
Defendants.	:	
	:	
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I, Andrew C. Adams, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an Assistant United States Attorney in the Southern District of New York and one of the attorneys with responsibility for the investigation and prosecution of the above-captioned matter. I respectfully submit this declaration in support of the Government's Omnibus Brief In Opposition to the Defendants' Pretrial Motions to Suppress.

2. Attached hereto as Exhibits A through E are true and correct copies of affidavits submitted in support of the Title-III interceptions of various phones and the searches of seized cellular devices or electronically stored information, which were sworn to in the course of the investigation and prosecution of the above-captioned case. They are:

- a. Exhibit A: An affidavit, dated December 20, 2018, in support of an extension order authorizing the interception of communications over a cellular phone used by Nick Surick (*submitted under seal*).
 - b. Exhibit B: An affidavit, dated May 16, 2019, in support of an extension order authorizing the interception of communications over a cellular phone used by Seth Fishman (*submitted under seal*).
 - c. Exhibit C: An affidavit, dated December 18, 2018, in support of a warrant authorizing entry into a premises located in New Egypt, New Jersey, in connection with the blood draw of a horse known as “Northern Virgin” (*submitted under seal*).
 - d. Exhibit D: An affidavit, dated February 5, 2019, in support of a warrant authorizing the search and seizure of the email account JNavarroStables@gmail.com (*submitted under seal*).
 - e. Exhibit E: An affidavit, dated January 15, 2020, in support of a warrant authorizing the search of seized incident to the arrest of Seth Fishman on or about October 28, 2019 (*submitted under seal*).
3. Attached hereto as Exhibit F is a true and correct copy of a cover letter, dated February 28, 2019, from Google, LLC, directed to FBI Special Agent Robert Berntsson, transmitting the returns from a search warrant served on Google LLC for the electronically stored records of the Google account “JNAVARROSTABLES,” relating to the search warrant referenced in Exhibit D, above.

4. Attached hereto as Exhibit G is a true and correct copy of a draft transcription of a March 3, 2019 call intercepted pursuant to a judicially-authorized order of interception of a cellular phone used by Jorge Navarro.¹
5. Attached hereto as Exhibits H through J are true and correct copies of records, consisting of laboratory reports and emails, produced by Industrial Laboratories (*redacted to remove personal identifying information*). They are:
 - a. Exhibit H: a laboratory report dated August 8, 2019.
 - b. Exhibit I: September 3, 2019 email to Industrial Laboratories on behalf of Medivet Equine.
 - c. Exhibit J: a laboratory report dated October 14, 2019.
6. Attached hereto as Exhibit K is a true and correct copy of records provided by the Racing Medication & Testing Center (“RMTC”), consisting of a September 10, 2019 letter from counsel to Medivet Equine to the Executive Director and Chief Operating Officer of RMTC, as well as the attachment to that letter (*redacted to remove personal identifying information*).
7. Attached hereto as Exhibit L is a true and correct copy of records produced to the Government by Empire Veterinary Group (“Empire”), consisting of email correspondence, which was in turn produced to the defendants in this matter. The format of the records appears as it was produced by Empire to the Government in the course of its investigation (*redacted to remove personal identifying information*).²

¹ Portions of Exhibit G have been redacted to remove information relating to interceptions other than that reflected in Session Number 22005, which is quoted in the Government’s memorandum in opposition to the defendants’ motions.

² The Comcast email address reflected in these records is the address ascribed by the Government to Jason Servis; the Gmail and Yahoo accounts are each ascribed to Kristian Rhein and/or Empire.

8. Attached hereto as Exhibits M and N are true and correct copies of Federal Bureau of Investigation (“FBI”) agent reports prepared in the course of the investigation of the above-captioned case. They are:

- a. Exhibit M: A report dated July 20, 2018 memorializing a June 29, 2018 interview of a potential source of information, referred to in the motions filed by defendant Erica Garcia as “Halfback” (*redacted and submitted under seal*).
- b. Exhibit N: A report dated May 31, 2019 memorializing FBI agents’ receipt and search of the contents of the email account JNavarroStables@gmail.com.

Dated: New York, New York
September 2, 2021



Andrew C. Adams
Assistant United States Attorney